

STATE OF HAWAII
DEPARTMENT OF LAND AND NATURAL RESOURCES
Land Division
Honolulu, Hawaii 96813

April 27, 2007

Board of Land and Natural Resources
State of Hawaii
Honolulu, Hawaii

PSF No: 06KD-188
Kauai

Amend Grant of Non-Exclusive Easement S-5674 to Charlotte A. Seyer, Kapaa, Kawaihau, Kauai, Hawaii, TMK: (4) 4-6-04: Portion 28

BACKGROUND:

The Board on September 20, 2001, under Item D-2 approved the Issuance of a term non-exclusive easement to Charlotte A. Seyer over the State owned 30 feet wide railroad right-of-way for access and utility purposes serving her property identified by TMK: (4) 4-6-04: 05

REMARKS:

Ms. Seyer recently subdivided her properties in the area including (4) 4-6-04: 05 into twelve (12) Lots. Parcel 05 was subdivided into two (2) lots, designated as Lot 3, (Parcel 52) and Lot 12, (Parcel 61). See Exhibit A

Mr. David Miller and Ms. Collette Bryce is in the process of purchasing Lot 3 and find it necessary to have the easement assigned to them or run with the land to which the easement will be in favor of. Because Lots 3 (Parcel 52) and 12 (Parcel 61) will need access over the subject easement it will be appropriate to have the easement run with the land in favor of both lots. This proposed amendment is consistent with the current policy of attaching the easement to the parcels served by the easement.

RECOMMENDATION: That the Board:

- A. Amend Grant of Non-exclusive Easement S-5674 to include the following:


The easement shall run with the land and shall inure to the benefit of the real properties described as Tax Map Key: (4) 4-6-04: 52 (Lot 3), and 61 (Lot 12), provided however: (1) it is specifically understood and agreed that the easement shall immediately cease to run with the land upon the

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expiration or other termination or abandonment of the easement; and (2) if and when the easement is sold, assigned, conveyed, or otherwise transferred, the Grantee shall notify the Grantee's successors or assigns of the insurance requirement in writing, separate and apart from this easement document;

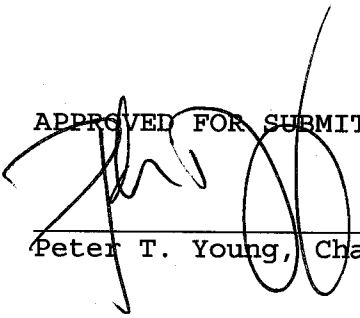
- B. Review and approval by the Department of the Attorney General; and
- C. Such other terms and conditions as may be prescribed by the Chairperson to best serve the interests of the State.

Respectfully Submitted,



Thomas Oi
Kauai District Land Agent

APPROVED FOR SUBMITTAL:



Peter T. Young, Chairperson

